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SENATE FILE 1280

By COMMITTEE ON JUDICIARY

*Substituted for S.F. 1551*

Passed Senate, Date 4-14-76 (1309) Passed House, Date 5-12-76 (p. 2630)

Vote: Ayes 45 Nays 0 Vote: Ayes 92 Nays 0

Approved June 26, 1976

*Motion to reconsider 4/15 (1328) w. d. 4/20 (1329)  
" " " 5/1*

*Motion to reconsider 5/12 (2670) prevailed 5/14  
Repassed House 5-14-76 (2797)  
81-0*

# A BILL FOR

1 An Act relating to correcting erroneous, inconsistent and  
2 obsolete sections of the Code.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4

5 *Conference Committee Appointed*  
6 *Senators Redmond, Miller of D.M., Gallagher, DeKoster, Kelly 5/27 (2327)*  
7 *Representatives Monroe, Hutchins, Poney, Schroeder, Harvey 5/26 (3186)*

8 *Passed per Conference Committee Report*  
9 *Senate 5-28-76 (p. 2471) 43-3* *House 5-29-76 (3376) 73-1*  
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1 Section 1. Section four point one (4.1), subsection one  
2 (1), Code 1975, is amended to read as follows:

3 1. REPEAL--EFFECT OF. The repeal of a statute does not  
4 revive a statute previously repealed, after the statute becomes  
5 effective nor affect any right which has accrued, any duty  
6 imposed, any penalty incurred, or any proceeding commenced,  
7 under or by virtue of the statute repealed.

8 Sec. 2. Section eight point five (8.5), Code 1975, is  
9 amended by striking subsection four (4).

10 Sec. 3. Section seventeen point five (17.5), Code 1975,  
11 is amended to read as follows:

12 17.5 GOVERNOR. The biennial report of the governor to  
13 the general assembly on reprieves, commutations, pardons,  
14 and remission of fines and forfeitures shall cover the two  
15 years ending with December 31 thirty-first immediately  
16 preceding the convening of the general assembly in regular  
17 session, in odd-numbered years, and shall be filed as soon  
18 as practicable after said date.

19 Sec. 4. Section seventeen point six (17.6), Code 1975,  
20 is amended to read as follows:

21 17.6 ATTORNEY GENERAL. The biennial report of the attorney  
22 general shall cover the ~~period-of-his-regular-term~~ two-year  
23 period ending with December thirty-first in even-numbered  
24 years and shall be filed as soon as practicable after the  
25 expiration of said ~~term-and~~ period but not later than **February**  
26 **4 March first.**

27 Sec. 5. Section twenty-six point six (26.6), Code 1975,  
28 is amended to read as follows:

29 26.6 POPULATION OF COUNTIES, TOWNSHIPS AND CITIES. When-  
30 ever the population of any county, township or city is referred  
31 to in any law of this state, it shall be determined by the  
32 last preceding certified federal census unless otherwise  
33 provided. Whenever a special federal census is taken by any  
34 city, the mayor and council shall certify the census as soon  
35 as possible to the secretary of state and to the treasurer

1 of state as otherwise herein provided, and ~~failling~~ upon the  
2 failure to do so, the treasurer of state shall, after six  
3 months from the date of the special census, withhold allocation  
4 ~~of such moneys from the city~~ from the state to the city of  
5 any moneys the amount of which is based on the population  
6 of the city, and shall continue to do so until such time as  
7 certification by the mayor and council is made, or until the  
8 next decennial federal census. If there be a difference  
9 between the original certified record in the office of the  
10 secretary of state and the published census the former shall  
11 prevail.

12 Sec. 6. Section twenty-nine A point forty-one (29A.41),  
13 Code 1975, is amended to read as follows:

14 29A.41 EXEMPTION FROM JURY AND OTHER EXEMPTIONS. ~~Every~~  
15 ~~officer and enlisted person of the national guard shall be~~  
16 ~~exempt from jury duty.~~ No member of the national guard shall  
17 be arrested, or served with any summons, order, warrant or  
18 other civil process after having been ordered to any duty,  
19 or while going to, attending, or returning from, any place  
20 to which the officer or enlisted person is required to go  
21 for military duty. Nothing herein shall prevent the officer's  
22 or enlisted person's arrest by order of a military officer  
23 or for a felony or breach of the peace committed while not  
24 in the actual performance of the officer's or enlisted person's  
25 duty. The articles of equipment personally owned by such  
26 members shall be exempt from seizure or sale for debt. Every  
27 member of the national guard who has faithfully served the  
28 full term of the member's commission, warrant or enlistment,  
29 shall, upon application, be entitled to an honorable discharge,  
30 exempting the member from military duty except in time of  
31 war or public danger.

32 Sec. 7. Section ninety-six point seven (96.7), subsec-  
33 tion thirteen (13), Code 1975, is amended to read as follows:

34 13. GROUP ACCOUNTS. Two or more employers that have  
35 become liable for payments in lieu of contributions, in

1 accordance with the provisions of subsection 9, paragraph  
2 "a", of this section ~~or in accordance with section 96-87~~  
3 ~~subsection 37-paragraph "e"~~, may file a joint application  
4 to the commission for the establishment of a group account  
5 for the purpose of sharing the cost of benefits paid that  
6 are attributable to service in the employ of such employers.  
7 Each such application shall identify and authorize a group  
8 representative to act as the group's agent for the purposes  
9 of this subsection. Upon its approval of the application,  
10 the commission shall establish a group account for such  
11 employers effective as of the beginning of the calendar quarter  
12 in which it receives the application and shall notify the  
13 group's representative of the effective date of the account.  
14 Such account shall remain in effect for not less than one  
15 year and thereafter until terminated at the discretion of  
16 the commission or upon application by the group. Upon  
17 establishment of the account, each member of the group shall  
18 be liable for payments in lieu of contributions with respect  
19 to each calendar quarter in the amount that bears the same  
20 ratio to the total benefits paid in such quarter that are  
21 attributable to service performed in the employ of all members  
22 of the group as the total wages paid for service in employment  
23 by such member in such quarter bear to the total wages paid  
24 during such quarter for service performed in the employ of  
25 all members of the group. The commission shall prescribe  
26 such regulations as it deems necessary with respect to  
27 applications for establishment, maintenance and termination  
28 of group accounts that are authorized by this subsection,  
29 for addition of new members to, and withdrawal of active  
30 members from, such accounts, and for the determination of  
31 the amounts that are payable under this subsection by members  
32 of the group and the time and manner of such payments.

33 Sec. 8. Section one hundred twenty-seven point eleven  
34 (127.11), subsection one (1), Code 1975, is amended to read  
35 as follows:

1 1. SERVICE OF NOTICE. The notice of hearing of forfeiture  
2 shall, in addition to the service provided in chapter 751,  
3 be published once a week for two weeks in some newspaper  
4 published in the city or county in which said conveyance was  
5 seized, and if the conveyance be a motor vehicle a copy of  
6 the aforesaid notice shall forthwith be mailed to the  
7 ~~commissioner-of-public-safety~~ director of transportation.

8 Sec. 9. Section one hundred twenty-seven point twelve  
9 (127.12), Code 1975, as amended by Acts of the Sixty-sixth  
10 General Assembly, 1975 Session, chapter sixty-seven (67),  
11 section thirteen (13), is amended to read as follows:

12 127.12 DUTY OF ~~COMMISSIONER~~ DIRECTOR. The ~~commissioner~~  
13 ~~of-public-safety~~ director of transportation, upon receipt  
14 of the notice aforesaid, shall, if the owner appears of record  
15 in the office of the state department of transportation,  
16 notify such owner of the fact of seizure, and if not of record,  
17 ~~said-commissioner~~ the director shall mail such description  
18 to the county treasurer of each county.

19 Sec. 10. Section two hundred forty-nine B point six  
20 (249B.6), Code 1975, is amended to read as follows:

21 249B.6 EXPENSES. Members of the commission while engaged  
22 in their official duties shall receive a per diem rate equal  
23 to that allowed members of the legislature pursuant to section  
24 ~~2-6~~ two point ten (2.10) of the Code, subsection 6. Members  
25 of the commission and noncommission members serving on  
26 commission subcommittees shall be paid their actual and  
27 necessary travel and other expenses incurred in their official  
28 duties.

29 Sec. 11. Section two hundred forty-nine C point one  
30 (249C.1), subsection four (4), Code 1975, is amended to read  
31 as follows:

32 4. "Public assistance" means aid or assistance under  
33 chapter 239~~7~~-~~244A~~ or 249.

34 Sec. 12. Section two hundred fifty-two point forty-three  
35 (252.43), unnumbered paragraph three (3), Code 1975, is amended

1 to read as follows:

2 The expense of support for the poor for Indians residing  
3 ~~on-a-reservation-in-this-state~~ in the settlement referred  
4 to in section one point twelve (1.12) of the Code shall be  
5 paid from funds of the state division of child and family  
6 services of the department of social services. To administer  
7 such support for Indians residing on a ~~reservation~~ settlement,  
8 such state division shall have the powers and duties assigned  
9 to county officials by this chapter, or the state division  
10 or director of same may designate the director of social  
11 welfare in the county where such Indians reside to administer  
12 such relief.

13 Sec. 13. Section two hundred seventy-eight point one  
14 (278.1), Code 1975, is amended by striking subsection eight  
15 (8).

16 Sec. 14. Section two hundred eighty-five point four  
17 (285.4), Code 1975, is amended by striking unnumbered paragraph  
18 one (1).

19 Sec. 15. Section three hundred six B point one (306B.1),  
20 subsection two (2), Code 1975, is amended to read as follows:

21 2. "Interstate system" means the system of highways as  
22 defined in Title 23 USC 103, subsection "d" "e" or amend-  
23 ments thereto.

24 Sec. 16. Section three hundred seven point twenty-six  
25 (307.26), subsection ten (10), Code 1975, is amended to read  
26 as follows:

27 10. Administer the provisions of ~~chapter-474,~~ and chap-  
28 ters 476 to 486.

29 Sec. 17. Section three hundred twenty-one point nine-  
30 teen (321.19), subsection one (1), Code 1975, is amended to  
31 read as follows:

32 1. All vehicles owned by the government and used in the  
33 transaction of official business by the representatives of  
34 foreign powers or by officers, boards, or departments of the  
35 government of the United States, and by the state of Iowa,

1 counties, municipalities and other subdivisions of government  
2 including vehicles used by an urban transit company operated  
3 by a municipality and such self-propelling vehicles as are  
4 used neither for the conveyance of persons for hire, pleasure,  
5 or business nor for the transportation of freight other than  
6 those used by an urban transit company operated by a  
7 municipality, and all fire trucks, providing they are not  
8 owned and operated for a pecuniary profit, are hereby exempted  
9 from the payment of the fees in this chapter prescribed,  
10 except as provided for urban transit companies in subsection  
11 2, but shall not be exempt from the penalties herein provided.  
12 The department shall furnish, on application, free of charge,  
13 distinguishing plates for vehicles thus exempted, which plates  
14 shall bear the word "official," and the department shall keep  
15 a separate record thereof. Provided that the director of  
16 general services or the ~~commissioner-of-public-safety~~ director  
17 of transportation may order the issuance of regular  
18 registration plates, for any such exempted vehicle, used by  
19 peace officers in the enforcement of the law and persons  
20 enforcing chapter 204 and other laws relating to controlled  
21 substances. For purposes of sale of vehicles exempted as  
22 herein indicated, the exempted governmental body, upon the  
23 sale of the exempted vehicle, may issue for in-transit purposes  
24 a pasteboard card bearing the words "Vehicle in Transit,"  
25 the name of the official body from which the vehicle was  
26 purchased, together with the date of the purchase plainly  
27 marked in minimal of one-inch letters, and other information  
28 which may be required by the department. The in-transit card  
29 shall be valid for use only within forty-eight hours after  
30 the purchase date as indicated on the bill of sale which shall  
31 be carried by the driver.

32 Sec. 18. Section three hundred seventy-two point thirteen  
33 (372.13), subsection eight (8), unnumbered paragraph one (1),  
34 Code 1975, as amended by Acts of the Sixty-sixth General As-  
35 sembly, 1975 Session, chapter two hundred three (203), section

1 twenty-three (23), is amended to read as follows:

2 By ordinance, the council shall prescribe the compensa-  
3 tion of the mayor, councilmen, and other elected city officers,  
4 but a change in the compensation of the mayor shall not become  
5 effective during the term in which the ~~increase~~ change is  
6 adopted, and the council shall not adopt such an ordinance  
7 changing the compensation of the mayor or councilmen during  
8 the months of November and December immediately following  
9 a regular city election. A change in the compensation of  
10 councilmen shall become effective for all councilmen at the  
11 beginning of the term of the councilmen elected at the election  
12 next following the change in compensation.

13 Sec. 19. Section four hundred nineteen point thirteen  
14 (419.13), Code 1975, is amended to read as follows:

15 419.13 EXCEPTION TO BUDGET LAW AND CERTAIN BOND PROVI-  
16 SIONS. The provisions of sections 23.12 to 23.16~~7-inclusive~~  
17 ~~and-of-chapter-408A7~~ shall not apply to bonds issued under  
18 the provisions of this chapter.

19 Sec. 20. Section four hundred twenty point two hundred  
20 twenty (420.220), unnumbered paragraph one (1), Code 1975,  
21 is amended to read as follows:

22 ~~Anything-in-sections-420-263-or-420-2757-or-other-provisions~~  
23 ~~of-law-to-the-contrary-notwithstanding7-no-property~~ Property  
24 located in a city acting under special charter which collects  
25 its own taxes, shall not, after sale of such property to the  
26 county for taxes, be offered or sold at any~~sale~~ for taxes  
27 or special assessments collectible by any such city except  
28 in the following events:

29 Sec. 21. Section four hundred fifty point thirteen  
30 (450.13), Code 1975, is amended by striking the section and  
31 inserting in lieu thereof the following:

32 450.13 INHERITANCE TAX AND LIEN BOOK. The clerk of the  
33 district court shall provide and keep a suitable book to be  
34 known as the inheritance tax and lien book to show the  
35 following:

- 1 1. A complete copy of the inventory and any amendments.
- 2 2. A complete copy of any appraisal.
- 3 3. A record of waivers, releases, or payment of the tax
- 4 and the amount and date.

5 Sec. 22. Section four hundred fifty point fifteen (450.15),  
6 Code 1975, is amended by striking the section and inserting  
7 in lieu thereof the following:

8 450.15 COPY FOR DEPARTMENT OF REVENUE. Upon the filing  
9 of such report the clerk of the district court shall  
10 immediately forward a true copy of such report and findings  
11 to the department of revenue.

12 Sec. 23. Section five hundred seven point one (507.1),  
13 Code 1975, is amended to read as follows:

14 507.1 "COMPANY" DEFINED. The word "company" as used in  
15 this chapter shall mean all companies or associations organized  
16 under the provisions of chapters 508, 510, 511, 512, 514,  
17 five hundred fourteen B (514B) of the Code, 515, 515C, 518A,  
18 associations subject to the provisions of chapters 518 and  
19 520, and all companies or associations admitted or seeking  
20 to be admitted to this state under the provisions of any of  
21 the chapters herein referred to.

22 Sec. 24. Section five hundred twelve point twenty-nine  
23 (512.29), Code 1975, is amended to read as follows:

24 512.29 ~~PERMIT~~ CERTIFICATE OF AUTHORITY--FEES. If the  
25 commissioner shall approve the articles and also the bylaws  
26 or rules, he shall issue to the society, order, or association  
27 a ~~permit-in-writing~~ certificate of authority, authorizing  
28 it to transact business within this state for a period of  
29 one year from the first day of ~~April~~ May of the year of its  
30 issue, for which certificate and all proceedings in connection  
31 therewith, there shall be paid to the commissioner a fee of  
32 twenty-five dollars, and for each annual renewal thereof a  
33 like fee shall be paid.

34 Sec. 25. Section five hundred twelve point forty-five  
35 (512.45), unnumbered paragraph one (1), Code 1975, is amended

1 to read as follows:

2 The certificate written by any domestic fraternal  
3 beneficiary association operating under the provisions of  
4 the foregoing mortality table shall be valued in the same  
5 manner as provided in section ~~508.42~~ five hundred eight point  
6 thirty-six (508.36) of the Code, except that such valuation  
7 shall be based upon the foregoing mortality table and four  
8 percent interest.

9 Sec. 26. Section five hundred twelve A point three  
10 (512A.3), Code 1975, is amended to read as follows:

11 512A.3 INCORPORATION MANDATORY. Before a benevolent  
12 association shall operate in this state it shall first  
13 incorporate in accordance with the laws of this state, and  
14 the articles of incorporation and bylaws shall be submitted  
15 to the commissioner. If he finds they conform to the  
16 requirements of the law and all rules and regulations  
17 promulgated under this chapter, he shall approve the articles  
18 of incorporation and file them with the secretary of state.  
19 Every benevolent association at the time of its incorporation  
20 shall submit its general plan of operation to the commissioner  
21 and if he finds it conforms to the requirements of the law  
22 and all reasonable rules and regulations promulgated under  
23 this chapter, he shall issue a license to expire on the ~~thirty-~~  
24 ~~first~~ first day of ~~March~~ May after issuance. Said license  
25 shall be renewed from year to year upon application of the  
26 association, if the commissioner finds from his examination  
27 that it has conformed to the requirements of all laws and  
28 regulations applicable thereto.

29 Sec. 27. Section five hundred fifteen point forty-six  
30 (515.46), Code 1975, is amended to read as follows:

31 515.46 FORFEITURE OF ~~FRANCHISE~~ CERTIFICATE OF AUTHORITY.  
32 Any dividend made contrary to the provisions of sections  
33 515.44 and 515.45 shall subject the company making it to  
34 forfeiture of its franchise certificate of authority.

35 Sec. 28. Section five hundred eighteen point fifteen

1 (518.15), unnumbered paragraph two (2), Code 1975, is amended  
2 to read as follows:

3 Such associations shall pay the same expenses of any  
4 examination made or ordered to be made by the commissioner  
5 of insurance and the same fees for the annual reports and  
6 annual certificates of authority as are required to be paid  
7 by domestic companies organized and doing business under  
8 chapter 515, which certificates shall expire ~~March-31~~ May  
9 first of the year following the date of issue.

10 Sec. 29. Section five hundred eighteen A point forty  
11 (518A.40), Code 1975, is amended to read as follows:

12 518A.40 ANNUAL FEES. Such associations shall pay the  
13 same fees for annual reports and annual certificates of  
14 authority as are required to be paid by domestic companies  
15 organized and doing business under chapter 515, which  
16 certificates shall expire ~~March-31~~ May first of the year  
17 following the date of issue.

18 Sec. 30. Section five hundred twenty-four point three  
19 hundred twelve (524.312), subsection one (1), Code 1975, is  
20 amended to read as follows:

21 1. Every state bank originally incorporated pursuant to  
22 the provisions of this chapter shall have its principal place  
23 of business within the confines of a municipal corporation.  
24 The existence of a state bank shall not, however, be affected  
25 by the subsequent discontinuance of the municipal corporation  
26 ~~pursuant-to-the-provisions-of-sections-362-44-to-362-48.~~  
27 A state bank existing and operating on January 1, 1970, which  
28 does not have its principal place of business within the  
29 confines of a municipal corporation, shall be allowed to renew  
30 its corporate existence pursuant to the provisions of section  
31 524.106 without regard to this section.

32 Sec. 31. Section five hundred ninety point one (590.1),  
33 unnumbered paragraph one (1), Code 1975, is amended to read  
34 as follows:

35 In all instances ~~prior-to-January-17-1964~~ where more than

1 five years have passed since the appointment of a personal  
2 representative or the probate of a will without administration,  
3 where executors or administrators have failed to publish  
4 notice of their appointment as required by section 3304, Code  
5 of 1897, and section 11890, Codes of 1924 to 1939, inclusive,  
6 and section 633.46, Codes 1946 to 1962, inclusive, but have  
7 published a notice of appointment, such notice of appointment  
8 is hereby legalized and shall have the same force and effect  
9 as though the same had been published as directed by the court  
10 or clerk.

11 Sec. 32. Section six hundred seven point two (607.2),  
12 Code 1975, is amended by striking subsection two (2) and  
13 inserting in lieu thereof the following:

14 2. Practicing attorneys.

15 Sec. 33. Acts of the Sixty-sixth General Assembly, 1975  
16 Session, chapter eighty-one (81), section eighty-one (81),  
17 amending section forty-nine point ninety (49.90), Code 1975,  
18 is amended to read as follows:

19 SEC. 81. Section forty-nine point ninety (49.90), Code  
20 1975, is amended to read as follows:

21 49.90 ASSISTING VOTER. Any voter who may declare upon  
22 oath that he or she cannot read the English language, or is,  
23 by reason of any physical disability other than intoxication,  
24 unable to cast a vote without assistance, shall, upon request,  
25 be assisted by said two officers, or alternately by any other  
26 person the voter may select if the voter is blind, in casting  
27 the vote. Said officers, or person selected by the blind  
28 voter, shall cast the vote of the voter requiring assistance,  
29 and shall thereafter give no information regarding the same.  
30 If any elector because of a handicap cannot enter the building  
31 where the polling place for the elector's precinct of residence  
32 is located, the two officers shall take a paper ballot to  
33 the vehicle occupied by the handicapped elector and allow  
34 the elector to cast the ballot in the vehicle. If a handi-  
35 capped elector cannot cast a ballot on a voting machine the

1 elector shall be allowed to cast a paper ballot. Paper bal-  
2 lots cast by handicapped electors shall be cast according  
3 to section forty-nine point eighty-one (49.81) of the Code,  
4 except they shall be marked "handicapped voter's ballot",  
5 and shall be counted in the same manner as challenged bal-  
6 lots accepted under ~~section-fifty-point-twenty-two-(50.22)~~  
7 ~~of-the-Code~~ section eighty-seven (87), the third "new sec-  
8 tion", of this Act.

9       Sec. 34. Acts of the Sixty-sixth General Assembly, 1975  
10 Session, chapter sixty-seven (67), section sixty-four (64),  
11 is amended to read as follow:

12       SEC. 64. Section fifty-three point twenty-two (53.22),  
13 subsection one (1), Code 1975, as amended by section one hun-  
14 dred nineteen (119) of House File seven hundred (700) of the  
15 Sixty-sixth General Assembly, 1975 Session, is amended to  
16 read as follows:

17       1. A qualified elector who has applied for an absentee  
18 ballot, in a manner other than that prescribed by section  
19 fifty-three point eleven (53.11) of the Code, and who is a  
20 resident or patient in a health care facility or hospital  
21 located in the county to which the application has been sub-  
22 mitted shall be delivered the appropriate absentee ballot  
23 by two special precinct election officers, one of whom shall  
24 be a member of each of the political parties referred to in  
25 section forty-nine point thirteen (49.13) of the Code, who  
26 shall be appointed by the commissioner from the election board  
27 panel for the special precinct established by section one  
28 hundred ~~three-(103)~~ eighteen (118) of this Act. The special  
29 precinct election officers shall be sworn in the manner  
30 provided by section forty-nine point seventy-five (49.75)  
31 of the Code for election board members, shall receive  
32 compensation as provided in section forty-nine point twenty  
33 (49.20) of the Code, and shall perform their duties during  
34 the ten calendar days preceding the election and on election  
35 day if all ballots requested under section fifty-three point

1 eight (53.8), subsection three (3), of the Code have not  
2 previously been delivered and returned. If a person who so  
3 requested an absentee ballot has been dismissed from the  
4 health care facility or hospital, the special precinct election  
5 officers may take the ballot to the elector if he or she is  
6 currently residing in the county. The special precinct  
7 election officers shall both notarize each absent voters  
8 affidavit as required by section fifty-three point sixteen  
9 (53.16) of the Code; any such officer who is not a notary  
10 public shall be provided with a stamp containing that person's  
11 name and the words "special precinct election officer" and  
12 may notarize the absentee affidavits so delivered by signing  
13 them and applying the stamp. The special precinct election  
14 officers shall travel together in the same vehicle and both  
15 shall be present when an applicant casts his or her absentee  
16 ballot. If either or both of the special election officers  
17 fails to appear at the time the duties set forth in this  
18 section are to be performed, the commissioner shall at once  
19 appoint some other person, giving preference to persons  
20 designated by the respective county chairpersons of the  
21 political parties described in section forty-nine point  
22 thirteen (49.13) of the Code, to carry out the requirements  
23 of this section. The persons authorized by this subsection  
24 to deliver an absentee ballot to an applicant may assist the  
25 applicant in filling out the ballot as permitted by section  
26 forty-nine point ninety (49.90) of the Code. The voted  
27 absentee ballots shall be deposited in a sealed container  
28 which shall be returned to the commissioner on the same day.

29 Sec. 35. Acts of the Sixty-sixth General Assembly, 1975  
30 Session, chapter one hundred fifty-one (151), section seven  
31 (7), paragraphs b and c, are amended to read as follows:

32 b. cases under chapter two hundred fifty-two A (252A) ~~7~~  
33 ~~Code-4975~~ of the Code, the Uniform Support of Dependents Law.

34 c. an information charging desertion under the provisions  
35 of chapter seven hundred thirty-one (731) ~~7~~-~~Code-4975~~ of the

1 Code.

2 Sec. 36. Acts of the Sixty-sixth General Assembly, 1975  
3 Session, chapter two hundred thirty-four (234), section one  
4 hundred two (102), subsection eleven (11), is amended to read  
5 as follows:

6 11. "Securities Act of 1933", "Securities Exchange Act  
7 of 1934", "Public Utility Holding Company Act of 1935",  
8 "Investment Company Act of 1940", "Internal Revenue Code of  
9 1954" and "Agricultural Marketing Act" mean the federal  
10 statutes of those names, as amended before ~~or~~-after the  
11 effective date of this Act.

12 Sec. 37. Acts of the Sixty-sixth General Assembly, 1975  
13 Session, chapter two hundred forty (240), section fifteen  
14 (15), third new subsection, is amended to read as follows:

15 NEW SUBSECTION. A ~~savings-and-loan-association~~ credit  
16 union shall be liable to each of its customers for all losses  
17 incurred by such customer as a result of the transmission  
18 or recording of electronic impulses as a part of a transaction  
19 not authorized by such customer or to which the customer was  
20 not a party, provided, however, that liability pursuant to  
21 this subsection shall be limited to losses in excess of fifty  
22 dollars in the event the ~~savings-and-loan-association~~ credit  
23 union has provided the customer with a physical object or  
24 other method of engaging in a transaction utilizing electronic  
25 impulses which is unique to the customer and the physical  
26 object or other method of engagement has been lost, stolen  
27 or otherwise compromised without the customer having notified  
28 the ~~savings-and-loan-association~~ credit union of such loss,  
29 theft or compromise prior to the time of the transaction  
30 causing the loss to the customer.

31 Sec. 38. Acts of the Sixty-sixth General Assembly, 1975  
32 Session, chapter two hundred forty (240), section seventeen  
33 (17), second new subsection, is amended to read as follows:

34 NEW SUBSECTION. A ~~credit-union~~ savings and loan association  
35 shall be liable to each of its customers for all losses

1 incurred by such customer as a result of the transmission  
2 or recording of electronic impulses as a part of a transaction  
3 not authorized by such customer or to which the customer was  
4 not a party, provided, however, that liability pursuant to  
5 this subsection shall be limited to losses in excess of fifty  
6 dollars in the event the ~~credit-union~~ savings and loan  
7 association has provided the customer with a physical object  
8 or other method of engaging in a transaction utilizing  
9 electronic impulses which is unique to the customer and the  
10 physical object or other method of engagement has been lost,  
11 stolen or otherwise compromised without the customer having  
12 notified the ~~credit-union~~ savings and loan association of  
13 such loss, theft or compromise prior to the time of the trans-  
14 action causing the loss to the customer.

15 Sec. 39. Acts of the Sixty-sixth General Assembly, 1976  
16 Session, House File one thousand thirty-three (1033), section  
17 one (1), is amended to read as follows:

18 Section 1. Section forty-three point seventy-eight (43.78),  
19 Code 1975, as amended by Acts of the Sixty-sixth General As-  
20 sembly, 1975 Session, chapter eighty-one (81), section twenty-  
21 five (25), is amended by adding the following new subsection:

22 NEW SUBSECTION. Political party candidates for a vacant  
23 seat of a representative in the congress of the United States  
24 or a senator or representative in the general assembly which  
25 is to be filled at a special election called pursuant to  
26 section sixty-nine point fourteen (69.14) of the Code shall  
27 be nominated in the manner provided by subsection one (1)  
28 of this section for filling a vacancy on the general election  
29 ballot for the same office. The name of any candidate so  
30 nominated shall be submitted in writing to the state  
31 commissioner, as required by section forty-three point eighty-  
32 eight (43.88) of the Code, at the earliest practicable time.

33 Sec. 40.

34 1. Sections twenty-nine A point thirty (29A.30), two hun-  
35 dred fifty-two point forty-four (252.44), two hundred eighty-

1 six A point three (286A.3), two hundred ninety-two point five  
2 (292.5) through two hundred ninety-two point eight (292.8),  
3 four hundred fifty point sixteen (450.16), four hundred fifty  
4 point thirty-five (450.35), four hundred fifty point seventy-  
5 four (450.74) through four hundred fifty point eighty (450.80),  
6 four hundred fifty point eighty-two (450.82), four hundred  
7 fifty point eighty-three (450.83), five hundred eighteen A  
8 point thirty-eight (518A.38), five hundred fifty-one point  
9 three (551.3), five hundred ninety-nine point six (599.6),  
10 and section six hundred seven point two (607.2), subsections  
11 three (3), four (4), five (5) and six (6), Code 1975, and  
12 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter  
13 sixty (60), section eight (8), are repealed.

14 2. Chapters one hundred two (102), one hundred twenty-  
15 one (121), one hundred eighty-two (182), one hundred eighty-  
16 six A (186A), two hundred eleven (211), two hundred thirty-  
17 six (236), two hundred forty (240), two hundred fifty-four  
18 (254), two hundred fifty-six (256), two hundred fifty-nine  
19 B (259B), four hundred sixty-eight (468), five hundred fifty-  
20 two (552), five hundred ninety-three (593), five hundred  
21 ninety-four (594), and seven hundred thirty-three (733), Code  
22 1975, are repealed.

#### 23 EXPLANATION

24 Section 1 makes section 4.1 of the Code apply only to  
25 statutes that have become effective.

26 Section 2 repeals a provision delegating to the state  
27 comptroller all the bookkeeping and accounting duties performed  
28 by the state auditor at the time the subsection was enacted.

29 Section 3 clarifies the time at which the governor is to  
30 make the biennial report on pardons, commutations, reprieves,  
31 and remissions of forfeitures and fines. The change is made  
32 since the general assembly now meets in regular session every  
33 year.

34 Section 4 clarifies the time at which the attorney gen-  
35 eral is to make the biennial report since the attorney general

1 now has a four-year term.

2 Section 5 clarifies a section which was amended several  
3 times during the two-year postponement of the Home Rule Act  
4 amendments.

5 Section 6 repeals an exemption from jury duty for mem-  
6 bers of the national guard.

7 Section 7 repeals a reference to a paragraph which was  
8 repealed by Acts of the Sixty-sixth General Assembly, 1975  
9 Session, chapter 92, section 18.

10 Sections 8 and 9 transfer the responsibility for noti-  
11 fying the owner of a motor vehicle seized for a liquor  
12 violation from the commissioner of public safety to the  
13 director of transportation.

14 Section 10 corrects an erroneous reference.

15 Section 11 strikes a reference to a chapter repealed by  
16 Acts of the Sixty-fifth General Assembly, 1973 Session, chapter  
17 186, section 26.

18 Section 12 changes a reference to an Indian "reservation"  
19 to a "settlement". This change makes this section consistent  
20 with the references in chapter 1.

21 Section 13 repeals the authorization for the voters of  
22 a school district to establish a post-secondary school in  
23 the district.

24 Section 14 repeals a paragraph governing the transportation  
25 of students out of school districts not maintaining high  
26 schools. All school districts are now required to maintain  
27 a high school.

28 Section 15 corrects a reference to a federal statute.

29 Section 16 eliminates a reference to the provisions of  
30 the Iowa state commerce commission in the duties of the  
31 administrator of the railroad transportation division of the  
32 department of transportation.

33 Section 17 changes an erroneous reference to the com-  
34 missioner of public safety and substitutes the director of  
35 transportation.

1 Section 18 inserts an amendment to Senate File 526 which  
2 was omitted in the printing of Acts of the Sixty-sixth General  
3 Assembly, 1975 Session, chapter 203, section 23.

4 Section 19 strikes a reference to a repealed chapter.

5 Section 20 strikes a reference to repealed chapters.

6 Section 21 reduces the categories of information required  
7 to be kept in the inheritance tax and lien book.

8 Section 22 eliminates the duty of the district court to  
9 examine and endorse the probate report and inventory. The  
10 clerk of the district court shall immediately forward the  
11 report and inventory to the department of revenue.

12 Section 23 includes health maintenance organizations in  
13 the definition of "company" for chapter 507 of the Code.

14 Section 514B.24 of the Code provides that the commissioner  
15 of insurance shall examine health maintenance organizations.

16 Section 24 corrects the reference from a "permit" issued  
17 by the commissioner of insurance to a "certificate of  
18 authority". It also changes a date for the issuance of the  
19 certificate to be consistent with the date of issuance of  
20 other certificates of authority.

21 Section 25 corrects a reference to a section the substance  
22 of which has been moved from section 508.12 to section 508.36  
23 of the Code.

24 Section 26 changes the date of the issuance of a license  
25 for benevolent associations to be consistent with the dates  
26 for issuance of a certificate of authority.

27 Section 27 changes an erroneous reference to "franchise"  
28 to "certificate of authority".

29 Section 28 changes the date for the issuance of a  
30 certificate of authority for county mutual insurance  
31 associations to be consistent with the date of issuance of  
32 other certificates of authority.

33 Section 29 changes the date for issuance of a certifi-  
34 cate of authority for riot reinsurance programs to be  
35 consistent with the date of issuance with other certificates

1 of authority.

2 Section 30 strikes a reference to repealed sections.

3 Section 31 changes the time period for application of a  
4 section legalizing defects in the publication of notice of  
5 appointment of the personal representative. The change is  
6 suggested by the Iowa state bar association's probate, property  
7 and trust law committee.

8 Section 32, in conjunction with section 40, repeals the  
9 exemptions from jury duty for all persons other than persons  
10 holding public office, practicing attorneys, and persons  
11 conscientiously opposed for reasons of religious beliefs.

12 Section 33 corrects a reference to a repealed section.

13 Section 34 corrects an erroneous reference in the election  
14 laws.

15 Section 35 changes "Code 1975" to "of the Code" in some  
16 new language in the session laws.

17 Section 36 limits federal statutes as referred to in the  
18 Iowa Uniform Securities Act to those as amended as of the  
19 date of enactment of that Act.

20 Sections 37 and 38 correct transposed references to credit  
21 unions and savings and loan associations.

22 Section 39 clarifies that vacancies in the office of United  
23 States Senator are filled by appointment of the governor.

24 Section 40 repeals the following sections of the Code:  
25 section 29A.30, a provision for an inactive national guard;  
26 section 252.44, a limit on the poor fund levy applying only  
27 to the transitional fiscal year during the change of fiscal  
28 years; section 286A.3, a provision relating to the eligibility  
29 of junior colleges for state aid; sections 292.5 through  
30 292.8, pertaining to duties of the common school librarian  
31 (the common school library funds now go to the area education  
32 agencies); sections 450.16, 450.35, 450.74 through 450.80,  
33 450.82, and 450.83, sections pertaining to inheritance tax  
34 liens and reports by the clerk of district court which the  
35 department of revenue reports are obsolete; section 518A.38,

1 a section making a reference to a repealed section; section  
2 551.3, a section making a redundant reference to a penalty  
3 section; section 599.6, a section allowing those eighteen  
4 years of age or older to donate blood without parental consent;  
5 section 607.2, subsections 3, 4, 5 and 6, relating to  
6 exemptions from jury duty; and Acts of the Sixty-sixth General  
7 Assembly, 1975 Session, chapter 60, section 8, a section  
8 duplicating section 11 of that Act.

9 Section 40 also repeals several chapters. Chapter 102  
10 exempts active members of fire companies from jury duty.  
11 Chapter 121 regulates the sale of second-hand watches. Chapter  
12 182 gives statutory recognition to the Iowa horse and mule  
13 breeders association. The department of agriculture reports  
14 this chapter is no longer used. Chapter 186A recognizes Arbor  
15 Day and Arbor Week. Chapter 211 governs the sale of livestock.  
16 The department of agriculture reports that chapter 163,  
17 "Infections and Contagious Diseases Among Animals," contains  
18 broader statutory authority. Chapter 236 regulates maternity  
19 hospitals. The department of social services reports that  
20 this chapter has fallen into disuse. Chapter 240 governs  
21 private institutions for neglected, dependent and delinquent  
22 children. The department of social services reports that  
23 this chapter has also fallen into disuse. Chapter 254 allows  
24 counties to establish tuberculosis hospitals. Chapter 256  
25 allows counties to establish detention hospitals for contagious  
26 diseases. Chapter 259B accepts funds under the National  
27 Defense Education Act. This Act's funds will be merged into  
28 the Elementary and Secondary Education Act after June 30,  
29 1976. Chapter 468 regulates the drainage of zinc and lead  
30 mines. The state geologist reports that this chapter is no  
31 longer needed. Chapter 552 prohibits "bucket shop" swindles.  
32 There are broader prohibitions in chapter 502, "Iowa Securities  
33 Law". Chapter 593 and chapter 594 legalize the issuance of  
34 certain bonds and the holding of certain elections more than  
35 fifty years ago. Chapter 733 governs diseased plants. There  
is broader authority in chapter 177A, "Iowa Crop Pest Act".

S-5475

1 Amend Senate file 1280 as follows:  
2 1. Page 1, by striking lines 3 through 7, and  
3 inserting in lieu thereof the following:  
4 "1. REPEAL--EFFECT OF. The repeal of a statute,  
5 after it becomes effective, does not revive a statute  
6 previously repealed, nor affect any right which has  
7 accrued, any duty imposed, any penalty incurred, or  
8 any proceeding commenced, under or by virtue of the  
9 statute repealed."  
10 2. Page 3, by adding after line 32 the following  
11 new section:  
12 "Sec. . Section one hundred ten B point three  
13 (110B.3), Code 1975, as amended by Acts of the 66th  
14 General Assembly, chapter one hundred thirteen (113),  
15 section three (3), is amended to read as follows:  
16 110B.3 FEE. The fee for each stamp issued under  
17 this chapter shall be one dollar. Each stamp shall  
18 expire on the last day of February ~~December 31~~  
19 following its issuance."  
20 3. Page 6, by adding after line 31 the following  
21 new section:  
22 "Sec. . Section three hundred twenty-one point two  
23 hundred thirty-eight (321.238), Code 1975, subsection  
24 twenty-one (21), paragraph "a" is amended to read as  
25 follows:  
26 a. A senior officer of the Iowa highway safety patrol  
27 designated by the ~~commissioner~~ director."

S-5475 FILED - *Adopted 4/14 (1307)*  
APRIL 7, 1976

BY LUCAS J. DE KOSTER

S-5487

1 Amend Senate File 1280 as follows:  
2 1. Page 10, by striking all of lines 32 through  
3 35.  
4 2. Page 11, by striking all of lines 1 through  
5 10.

S-5487 FILED - *Adopted 4/14 (1309)*  
APRIL 8, 1976

BY LUCAS J. DE KOSTER

SENATE FILE 1280

S-5517

1 Amend Senate File 1280, page 11, by  
2 striking lines 11 through 14.

S-5517 FILED & LOST (1309)  
APRIL 14, 1976

BY W. R. RABEDEAUX

H-6579

1 Amend Senate File 1280 as amended and passed by  
 2 the Senate as follows:  
 3 1. Strike page 11, line 15 through page 13, line  
 4 28.

5 2. Page 15, by striking lines 15 through 32 and  
 6 inserting in lieu thereof the following:  
 7 "Sec. \_\_\_\_\_. Section forty-seven point three (47.3),  
 8 Code 1975, as amended by Acts of the Sixty-sixth  
 9 General Assembly, 1976 Session, House File one thousand  
 10 eleven (1011), section eighteen (18), is amended by  
 11 striking unnumbered paragraph one (1) and inserting  
 12 in lieu thereof the following:

13 The costs of conducting a special election called  
 14 by the governor, general election, and the primary  
 15 election held prior to the general election shall  
 16 be paid by the county.

17 Sec. \_\_\_\_\_. Section forty-nine point seventy-three (49.73),  
 18 subsection two (2), Code 1975, as amended by Acts  
 19 of the Sixty-sixth General Assembly, 1976 Session,  
 20 House File one thousand eleven (1011), section forty  
 21 (40), is amended to read as follows:

22 2. The commissioner shall not shorten voting hours  
 23 for any election if there is filed in the  
 24 commissioner's office, at least twenty-five days  
 25 before the election, a petition signed by at least  
 26 fifty eligible electors of the school district or  
 27 city, as the case may be, requesting that the polls  
 28 be opened not later than seven o'clock a.m. All  
 29 polling places where the candidates of or any public  
 30 question submitted by any one political subdivision  
 31 are being voted upon shall be opened at the same hour,  
 32 except that this requirement shall not apply to merged  
 33 areas established under chapter two hundred eighty  
 34 A (280A) of the Code. The hours at which the  
 35 respective precinct polling places are to open shall  
 36 not be changed after publication of the notice required  
 37 by section 49.53. The polling places shall be closed  
 38 at nine o'clock p.m. for state primary and general  
 39 elections and other partisan elections, and for any  
 40 other election held concurrently therewith, and at  
 41 eight o'clock p.m. for all other elections."

H-6579 FILED - *adopted 5/12 (2629)* BY MONROE of Des Moines  
 MAY 10, 1976 OAKLEY of Clinton

H-6555

1 Amend Senate File 1280 as amended and passed  
 2 by the Senate, as follows:  
 3 1. Page 11, by striking lines 11 through 14.

H-6555 FILED - *lost 5/12 (2628)* BY BYERLY of Polk  
 MAY 6, 1976

SENATE FILE 1280

H-6578

- 1 Amend Senate File 1280 as follows:  
2 1. Page 6, by inserting after line 31E the  
3 following section:  
4 "Sec. \_\_\_\_\_. Section three hundred twenty-one  
5 point two hundred eighty-one (321.281), Code 1975,  
6 is amended by striking unnumbered paragraph four  
7 (4)."

H-6578 FILED - *Adopted 5/12* BY OAKLEY of Clinton  
MAY 10, 1976 (*2628*)

SENATE FILE 1280

H-6677

- 1 Amend Senate File 1280 as amended and passed by  
2 the Senate as follows:  
3 1. Page 1, by striking lines 9A through 9W.  
4 2. Page 2, by striking lines 12 through 31.  
5 3. Page 4, line 13, by striking the words "the  
6 department of".  
7 4. Page 5, by striking lines 12A through 18.  
8 5. Page 6, line 17, by striking the words "of  
9 the department".  
10 7. Page 7, by striking line 29 through page 8,  
11 line 11.  
12 8. Page 11, by striking lines 11 through 14.  
13 9. Page 15, by striking line 33 through page 16,  
14 line 22 and inserting in lieu thereof the following:  
15 "Sec. \_\_\_\_\_. Section five hundred eighteen A point  
16 thirty-eight (518A.38), Code 1975, is repealed."  
17 10. Amend the title line 2, by striking the words  
18 ", and the duties of the Code editor".  
19 11. Renumber the sections and correct internal  
20 references in conformance with this amendment.

H-6677 FILED - *Adopted 5/14* BY SCHROEDER of Pottawattamie  
MAY 13, 1976 (*2797*)  
NIELSEN of Polk  
AVENSON of Fayette  
BITTLE of Polk  
SMALL of Johnson

S-5813

1 Amend Senate File 1280 as amended and passed  
2 by the Senate as follows:

- 3 1. Page 1, by striking lines 9A through 9W.  
4 2. Page 2, by striking lines 12 through 31.  
5 3. Page 4, line 13, by striking the words "the  
6 department of".  
7 4. Page 5, by striking lines 12A through 18.  
8 5. Page 6, line 17, by striking the words "of  
9 the department".  
10 6. Page 6, by inserting after line 31E the  
11 following section:

12 "Sec. \_\_\_\_\_. Section three hundred twenty-one  
13 point two hundred eighty-one (321.281), Code  
14 1975, is amended by striking unnumbered paragraph  
15 four (4)."

16 7. Page 7, by striking line 29 through page 8,  
17 line 11.

18 8. Page 11, by striking lines 11 through 14.

19 9. Strike page 11, line 15 through page 13,  
20 line 28.

21 10. Page 15, by striking lines 15 through 32 and  
22 inserting in lieu thereof the following:

23 "Sec. \_\_\_\_\_. Section forty-seven point three  
24 (47.3), Code 1975, as amended by Acts of the Sixty-  
25 sixth General Assembly, 1976 Session, House File  
26 one thousand eleven (1011), section eighteen (18),  
27 is amended by striking unnumbered paragraph one (1)  
28 and inserting in lieu thereof the following:

29 The costs of conducting a special election called  
30 by the governor, general election, and the primary  
31 election held prior to the general election shall  
32 be paid by the county.

33 Sec. \_\_\_\_\_. Section forty-nine point seventy-  
34 three (49.73), subsection two (2), Code 1975, as  
35 amended by Acts of the Sixty-sixth General Assembly,  
36 1976 Session, House File one thousand eleven  
37 (1011), section forty (40), is amended to read as  
38 follows:

39 2. The commissioner shall not shorten voting  
40 hours for any election if there is filed in the  
41 commissioner's office, at least twenty-five days  
42 before the election, a petition signed by at  
43 least fifty eligible electors of the school district  
44 or city, as the case may be, requesting that the  
45 polls be opened not later than seven o'clock a.m.  
46 All polling places where the candidates of or any  
47 public question submitted by any one political sub-  
48 division are being voted upon shall be opened at  
49 the same hour, except that this requirement shall  
50 not apply to merged areas established under chapter  
two hundred eighty A (280A) of the Code. The hours

- 1 at which the respective precinct polling places  
2 are to open shall not be changed after publication  
3 of the notice required by section 49.53. The  
4 polling places shall be closed at nine o'clock p.m.  
5 for state primary and general elections and other  
6 partisan elections, and for any other election held  
7 concurrently therewith, and at eight o'clock p.m.  
8 for all other elections.  
9 11. Page 15, by striking line 33 through page 16,  
10 line 22 and inserting in lieu thereof the following:  
11 "Sec. \_\_\_\_\_. Section five hundred eighteen A  
12 point thirty-eight (518A.38), Code 1975, is repealed."  
13 12. Amend the title line 2, by striking the words  
14 ", and the duties of the Code editor".  
15 13. Renumber the sections and correct internal  
16 references in conformance with this amendment.

S-5813 FILED  
MAY 18, 1976

RECEIVED FROM THE HOUSE

*Senate refused to concur 5/20 (2133)  
House insists 5/26 (3182)*

SENATE FILE 1280

S-5873

- 1 Amend the House amendment, S-5813, to Senate  
2 File 1280 as follows:  
3 1. Page 1, by striking lines 5 and 6.  
4 2. Page 1, by striking line 7.  
5 3. Page 1, by striking lines 8 and 9.  
6 4. Page 1, by striking lines 19 and 20.  
7 5. Page 2, by striking lines 9 through 12 and  
8 inserting in lieu thereof the following:  
9 "11. Page 16, lines 3 and 4 by striking the words  
10 and figures "four hundred fifty point sixteen (450.16),  
11 four hundred fifty point thirty-five (450.35),".  
12 12. Page 16, lines 10 and 11 by striking the  
13 words and figures "and section six hundred seven point  
14 two (607.2), subsections three (3), four (4), five (5)  
15 and six (6), Code 1975,".  
16 13. Page 16, line 14, by striking the words  
17 and figure "one hundred two (102),".  
18 14. Page 16, line 15, by striking the words and  
19 figure "one hundred eighty-two (182),".  
20 6. Renumber the remaining sections accordingly.

S-5873 FILED - *Lost 5/20 (p. 2133)*  
MAY 20, 1976

BY LUCAS J. DE KOSTER

S-5515

1 Amend Senate File 1280 as follows:

2 1. Page 1, after line 9, by inserting the  
3 following new section:

4 "Sec. . Section fourteen point twenty-one (14.21),  
5 Code 1975, is amended by adding the following new  
6 unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. Commencing July 1, 1977,  
8 the Code editor shall cause to be compiled, indexed  
9 and published in loose leaf form all rules of civil  
10 procedure, rules of criminal procedure, rules of  
11 appellate procedure, and supreme court rules. The  
12 Code editor shall cause to be distributed supplements  
13 to the compilation on or before the effective date of  
14 either new rules, or amendments to or the repeal of  
15 existing rules. All expenses incurred by the Code  
16 editor under this paragraph shall be defrayed under  
17 the provisions of section fourteen point twenty-two  
18 (14.22) of the Code. There shall be established a  
19 price for the compilation of rules, and a separate  
20 price for each supplement. The price of the  
21 compilation and of supplements shall represent the  
22 costs of compiling and indexing, plus the amounts  
23 charged for printing and distribution. A single copy  
24 of each compilation and of each supplement shall be  
25 distributed free of charge to each of the persons or  
26 agencies referred to in subsections one (1), two (2),  
27 five (5), six (6), seven (7), eight (8), and fifteen  
28 (15) of section eighteen point ninety-seven (18.97)  
29 of the Code."

30 2. Page 4, line 13, by inserting after the word  
31 "of" the words "the department of".

32 3. Page 5, by inserting after line 12 the following  
33 new section:

34 "Sec. . Section two hundred fifty-three point  
35 three (253.3), Code 1975, is amended to read as follows:

36 253.3 ANNUAL PUBLISHED REPORT. The board of  
37 supervisors shall, during the month of July of each  
38 year, publish in the official papers of the county as  
39 part of its proceedings, a financial statement of the  
40 receipts of the county care facility, or county farm,  
41 itemizing the same and stating the source thereof,  
42 which report shall also set forth the total expendi-  
43 tures thereof and the value of the property on hand  
44 on ~~January~~ July 1 of the year for which the report is  
45 made and a comparison with the inventory of the  
46 previous year."

47 4. Page 6, line 17, by inserting before the word  
48 "of" the words "of the department".

49 5. Page 16, line 15, by inserting after the figure  
50 "(121)," the words "one hundred seventy-five (175),".

PAGE 2

1 6. Amend the title, line 2, by inserting after  
2 the word "Code" the words ", and the duties of the  
3 Code editor".

4 7. By renumbering the sections and correcting  
5 internal references as necessary.

H-6869

1 Amend House amendment H-6677 to Senate File 1280  
 2 as follows:

- 3 1. Page 1, by striking line 3.
- 4 2. Page 1, by striking lines 5 and 6.
- 5 3. Page 1, by striking line 7.
- 6 4. Page 1, by striking lines 8 and 9.
- 7 5. Page 1, by inserting after line 12 the

8 following:

9 "\_\_\_\_\_. Page 11, by striking line 15 through page  
 10 13, line 28."

11 6. Page 1, by striking lines 13 through 16 and  
 12 inserting in lieu thereof the following:

13 "\_\_\_\_\_. Page 16, lines 3 and 4 by striking the  
 14 words and figures "four hundred fifty point sixteen  
 15 (450.16), four hundred fifty point thirty-five  
 16 (450.35)".

17 \_\_\_\_\_. Page 16, lines 10 and 11 by striking the  
 18 words and figures "and section six hundred seven point  
 19 two (607.2), subsections three (3), four (4), five  
 20 (5) and six (6), Code 1975,".

21 \_\_\_\_\_. Page 16, line 14, by striking the words  
 22 and figure "one hundred two (102),".

23 \_\_\_\_\_. Page 16, lines 15 and 16, by striking the  
 24 words and figures "one hundred eighty-two (182), one  
 25 hundred eighty-six A (186A),".

26 7. Renumber the remaining sections to conform  
 27 with this amendment.

H-6869 FILED  
 MAY 25, 1976

BY SCHROEDER of Pottawattamie  
 MCELROY of Fremont  
 PERKINS of Greene  
 WYCKOFF of Benton  
 MIDDLESWART of Warren  
 WELDEN of Hardin  
 ANDERSON of Jasper  
 HUTCHINS of Guthrie  
 HULLINGER of Decatur  
 AVENSON of Fayette  
 NORLAND of Worth  
 MILLER of Calhoun  
 CLARK of Lee  
 NIELSEN of Polk

H-6581

1 Amend Senate File 1280 as amended and passed by  
2 the Senate as follows:

3 1. Page 6, by inserting after line 31E the  
4 following:

5 "Sec. \_\_\_\_\_. Section three hundred twenty-five point  
6 eleven (325.11), Code 1975, is amended to read as  
7 follows:

8 325.11 RULES OF PROCEDURE. The commission board  
9 shall adopt rules governing the procedure to be  
10 followed in the filing of applications and in the  
11 conduct of hearings.

12 Sec. \_\_\_\_\_. Section three hundred twenty-five point  
13 thirty-two (325.32), Code 1975, is amended to read  
14 as follows:

15 325.32 ADDITIONAL RULES The board department  
16 shall promulgate such other safety rules as it may  
17 deem necessary to ~~govern-and-control~~ regulate the  
18 operation of motor vehicles upon the highways and  
19 the maintenance and inspection thereof.

20 Sec. \_\_\_\_\_. Section three hundred twenty-five point  
21 thirty-four (325.34), Code 1975, is amended to read  
22 as follows:

23 325.34 MISDEMEANOR--PENALTY. Every owner, officer,  
24 agent, or employee of any motor carrier, and every  
25 other person who violates or fails to comply with,  
26 or who procures, aids, or abets in the violation of  
27 any provision of this chapter, or who fails to obey,  
28 observe, or comply with any order, decision, rule,  
29 ~~er-regulation~~, direction, demand, or requirement or  
30 any part or provision thereof, ~~of-the-commission~~  
31 issued or adopted pursuant to the provisions of this  
32 chapter, or who procures, aids, or abets any  
33 corporation or person in his failure to obey, observe,  
34 or comply with any such order, decision, rule,  
35 direction, demand, ~~er-regulation~~ or any part or  
36 provision thereof, shall be guilty of a misdemeanor  
37 and upon conviction shall be punished by a fine not  
38 exceeding one hundred dollars or by imprisonment in  
39 the county jail for a period of not to exceed thirty  
40 days.

41 Sec. \_\_\_\_\_. Section three hundred twenty-five point  
42 thirty-five (325.35), unnumbered paragraph one (1),  
43 Code 1975, is amended to read as follows:

44 No motor vehicle engaged in the transportation  
45 of property under a certificate of convenience and  
46 necessity issued under the provisions of this chapter  
47 shall be operated on the highways of this state unless  
48 there shall have been paid to the board department  
49 for the administration of this chapter an annual fee  
50 in the amount of five dollars; provided, however,

7

1 that the fee herein provided shall not be imposed  
2 on any tractor or truck tractor; provided, however,  
3 that the fee herein provided for each semitrailer  
4 shall be in the amount of six dollars.

5 Sec. \_\_\_\_\_. Section three hundred twenty-six point  
6 eleven (326.11), unnumbered paragraph two (2), Code  
7 1975, is amended to read as follows:

8 The executive-secretary director may issue temporary  
9 written authorization to carriers for vehicles acquired  
10 by a fleet owner and added to his prorated fleet after  
11 the beginning of the registration year. The temporary  
12 authority shall permit the operation of a commercial  
13 vehicle until permanent identification is issued,  
14 except that the temporary authority shall expire after  
15 thirty days.

16 Sec. \_\_\_\_\_. Section three hundred twenty-six point  
17 eighteen (326.18), Code 1975, is amended to read as  
18 follows:

19 326.18 FULLY REGISTERED FOR INTERSTATE MOVEMENT.  
20 When a nonresident fleet owner has registered vehicles  
21 on a prorated basis, the vehicles shall be considered  
22 fully registered insofar as interstate commerce is  
23 concerned. The privileges granted to a nonresident  
24 pursuant to this chapter shall permit the operation  
25 of a vehicle which is simultaneously engaged in  
26 interstate movements and intrastate commerce, provided  
27 that the owner has intrastate authority or rights  
28 granted by the transportation regulation board. The  
29 board may also enter into reciprocity agreements  
30 pursuant to section 326.5 to permit interstate and  
31 intrastate movement of vehicles registered on a prorated  
32 basis by a nonresident fleet owner, provided the owner  
33 has intrastate authority granted by the ~~Iowa-state~~  
34 commerce-commission transportation regulation board  
35 and the jurisdiction in which the nonresident is base  
36 plated grants the same privilege to an Iowa base  
37 plated vehicle. Each vehicle upon which an Iowa base  
38 plate is required to be displayed under this chapter  
39 shall be considered fully registered for both  
40 interstate commerce and intrastate commerce.

41 Sec. \_\_\_\_\_. Section three hundred twenty-six point  
42 thirty-three (326.33), Code 1975, is amended to read  
43 as follows:

44 326.33 RULES ADOPTED. The board department may  
45 promulgate any rules deemed necessary to carry out  
46 the provisions of this chapter. Such rule-making  
47 authority shall be subject to the provisions of chapter  
48 17A.

49 Sec. \_\_\_\_\_. Section three hundred twenty-six point  
50 forty-five (326.45), Code 1975, is amended to read

L

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1 as follows:

2 326.45 ISSUANCE--TITLE OBLIGATION. The board  
3 department shall, upon receiving application and  
4 payment of proper registration fee in compliance with  
5 the provisions of this chapter, issue registration  
6 identification to the carrier. Upon the issuance  
7 of Iowa base plates, the board department shall notify  
8 the carrier of his obligation to title the vehicle  
9 and furnish the carrier with a title letter to be  
10 presented to the county treasurer of his county of  
11 residence and returned to the board department. If  
12 the titling requirements of this section and chapter  
13 321 are not satisfied within thirty days of issuance  
14 of registration identification, the carrier's registra-  
15 tion shall be canceled until such time as the require-  
16 ments are satisfied.

17 Sec. \_\_\_\_\_. Section three hundred twenty-seven point  
18 eight (327.8), Code 1975, is amended to read as  
19 follows:

20 327.8 ISSUANCE. Upon the filing of the appli-  
21 cation and if the applicant shall otherwise comply  
22 with the terms and conditions of this chapter, the  
23 board shall issue to the applicant a permit as herein  
24 defined. The actual operation of such motor vehicle  
25 or vehicles shall not begin without the written  
26 approval of the state department, stating that the  
27 applicant has complied with the prescribed safety  
28 regulations.

29 Sec. \_\_\_\_\_. Section three hundred twenty-seven point  
30 eleven (327.11), Code 1975, is amended to read as  
31 follows:

32 327.11 PAYMENT OF FEE. It shall be the duty of  
33 the board department to collect all permit fees  
34 provided in this chapter, and failure to pay any such  
35 permit fee within thirty days after the time the same  
36 shall become due shall be cause for revocation of  
37 the permit of the truck operator in arrears.

38 Sec. \_\_\_\_\_. Section three hundred twenty-seven point  
39 fourteen (327.14), Code 1975, is amended to read as  
40 follows:

41 327.14 PERMIT--NATURE OF. Permits issued hereunder  
42 shall be personal property and may be sold,  
43 transferred, leased, or assigned under such reasonable  
44 rules ~~and-regulations~~ as may be ~~fixed-by-the-board~~  
45 prescribed according to the provisions of this chapter.

46 Sec. \_\_\_\_\_. Section three hundred twenty-seven point  
47 twenty-two (327.22), Code 1975, is amended to read  
48 as follows:

49 327.22 VIOLATIONS--PUNISHMENT. Every owner,  
50 officer, agent, or employee of any truck operator,

1 and every other person who violates or fails to comply  
 2 with, or who procures, aids, or abets in the violation  
 3 of any provision of this chapter, or who fails to  
 4 obey, observe, or comply with any order, decision,  
 5 rule, ~~or regulation~~, direction, demand, or requirement  
 6 or any part or provision thereof, ~~of the commission,~~  
 7 ~~or the department,~~ issued or adopted pursuant to the  
 8 provisions of this chapter or who procures, aids,  
 9 or abets any corporation or person in his failure  
 10 to obey, observe, or comply with any such order,  
 11 decision, rule, direction, demand, ~~or regulation~~ or  
 12 any part or provision thereof, shall be guilty of  
 13 a misdemeanor and upon conviction shall be punished  
 14 by a fine not exceeding one hundred dollars or by  
 15 imprisonment in the county jail for a period of not  
 16 to exceed thirty days.

17 Sec. \_\_\_\_\_. Section three hundred twenty-seven A  
 18 point eighteen (327A.18), Code 1975, is amended to  
 19 read as follows:

20 327A.18 PENALTIES. Every owner, officer, agent  
 21 or employee of any liquid transport carrier, and every  
 22 other person who violates or fails to comply with,  
 23 or who procures, aids, or abets in the violation of  
 24 any provision of this chapter, or who fails to obey,  
 25 observe, or comply with any order, decision, rule  
 26 ~~or regulation~~, direction, demand, or requirement or  
 27 any part or provision thereof ~~of the board~~ issued  
 28 or adopted pursuant to the provisions of this chapter,  
 29 or who procures, aids or abets any corporation or  
 30 person in his failure to obey, observe, or comply  
 31 with any such order, decision, rule, direction, demand  
 32 ~~or regulation~~ or any part or provision thereof, shall  
 33 be guilty of a misdemeanor and upon conviction shall  
 34 be punished by a fine not exceeding one hundred dollars  
 35 or by imprisonment in the county jail for a period  
 36 of not to exceed thirty days.

37 Sec. \_\_\_\_\_. Section three hundred twenty-seven A  
 38 point nineteen (327A.19), Code 1975, is amended to  
 39 read as follows:

40 327A.19 FEE FOR OPERATION. No certificate of  
 41 convenience and necessity shall be issued nor continued  
 42 in force until the holder thereof shall have paid  
 43 to the ~~board~~ department an annual certificate fee  
 44 for each motor vehicle operated thereunder in the  
 45 amount of five dollars, except that the fee for a  
 46 tractor or truck tractor shall be fifteen dollars,  
 47 and except that the fee herein provided shall not  
 48 be imposed on any trailer or semitrailer. Fees  
 49 collected pursuant to the provisions of this section  
 50 shall be remitted to the treasurer of state and

- 1 credited to the general fund of the state."
- 2 2. By renumbering the sections to conform with
- 3 this amendment.

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 1280

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 1280 a bill for an Act relating to correcting erroneous, inconsistent and obsolete sections of the Code, respectfully make the following report:

1. That the House recedes from its amendment, S-5813, to Senate File 1280 as amended and passed by the Senate.

2. That Senate File 1280, as amended and passed by the Senate, is amended as follows:

1. Page 1A, by inserting after line 26 the following:

"Sec. \_\_\_\_ . Section eighteen point ninety-seven (18.97), unnumbered paragraph one (1), Code 1975, as amended by Senate File one thousand ninety-two (1092) as enacted by the Sixty-sixth General Assembly, 1976 Session, and signed by the governor and Senate File one thousand two hundred eighty-eight (1288) as enacted by the Sixty-sixth General Assembly, 1976 Session, is amended by striking the paragraph and inserting in lieu thereof the following:

"The superintendent of printing shall make free distribution of the Code, rules of civil procedure, rules of appellate procedure, supreme court rules, the Acts of each general assembly, and, upon request, the Iowa administrative code as follows:"

2. Page 2, by striking lines 12 through 31.

3. Page 4, line 13, by striking the words "the department of".

4. Page 6, line 17, by striking the words "the department of".

5. Page 6, by inserting after line 31E the following section:

"Sec. \_\_\_\_ . Section three hundred twenty-one point two

unnumbered paragraph four (4)."

6. Page 11, by striking lines 11 through 14 and inserting in lieu thereof the following:

"Sec. \_\_\_\_ . Section six hundred seven point two (607.2), subsection two (2), Code 1975, is amended to read as follows:

"2. Practicing attorneys, physicians, ~~licensed-embalmers,~~ ~~registered-nurses,~~ chiropractors, osteopaths, veterinarians, ~~registered-pharmacists,~~ dentists, and clergymen, ~~-including Christian-Science-practitioners-and-readers."~~

7. Page 15, by striking lines 15 through 32 and inserting in lieu thereof the following:

"Sec. \_\_\_\_ . Section forty-seven point three (47.3), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1976 Session, House File one thousand eleven (1011), section eighteen (18), is amended by striking unnumberd paragraph one (1) and inserting in lieu thereof the following:

The costs of conducting a special election called by the governor, general election, and the primary election held prior to the general election shall be paid by the county.

Sec. \_\_\_\_ . Section forty-nine point seventy-three (49.73), subsection two (2), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1976 Session, House File one thousand eleven (1011), section forty (40), is amended to read as follows:

2. The commissioner shall not shorten voting hours for any election if there is filed in the commissioner's office, at least twenty-five days before the election, a petition signed by at least fifty eligible electors of the school district or city, as the case may be, requesting that the polls be opened not later than seven o'clock a.m. All polling places where the candidates of or any public question submitted by any one political subdivision are being voted upon shall be opened at the same hour, except that this requirement shall not apply to merged areas established under chapter two hundred eighty A (280A) of the Code. The hours at which the respective precinct polling places are to open shall not be changed after

publication of the notice required by section 49.53. The polling places shall be closed at nine o'clock p.m. for state primary and general elections and other partisan elections, and for any other election held concurrently therewith, and at eight o'clock p.m. for all other elections."

8. Page 15, line 34, by striking the words "twenty-nine A point thirty (29A.30)".

9. Page 16, line 11, by striking the words "five (5) and six (6)" and inserting in lieu thereof the words "and five (5)".

10. Page 16, line 14, by striking the words "one hundred two (102)".

11. Page 16, lines 15 through 16, by striking the words "one hundred eighty-two (182), one hundred eighty-six A (186A)".

12. Renumber the sections to conform with this amendment.

ON THE PART OF THE SENATE:

\_\_\_\_\_  
JAMES M. REDMOND, Chairperson

\_\_\_\_\_  
LUCAS J. DeKOSTER

\_\_\_\_\_  
JAMES V. GALLAGHER

\_\_\_\_\_  
E. KEVIN KELLY

\_\_\_\_\_  
CHARLES P. MILLER

ON THE PART OF THE HOUSE:

\_\_\_\_\_  
W. R. MONROE, JR., Chairperson

\_\_\_\_\_  
C. W. HUTCHINS

\_\_\_\_\_  
LAVERN R. HARVEY

\_\_\_\_\_  
CHARLES N. PONCY

\_\_\_\_\_  
LAVERNE W. SCHROEDER

FILED -  
MAY 28, 1976

*Senate adopted 5/28/76 (2471)  
House adopted 5/29/76 (3376)*

SENATE FILE 1280

AN ACT

RELATING TO CORRECTING ERRONEOUS, INCONSISTENT AND OBSOLETE SECTIONS OF THE CODE, AND THE DUTIES OF THE CODE EDITOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section four point one (4.1), subsection one (1), Code 1975, is amended to read as follows:

1. REPEAL--EFFECT OF. The repeal of a statute, after it becomes effective, does not revive a statute previously repealed, nor affect any right which has accrued, any duty imposed, any penalty incurred, or any proceeding commenced, under or by virtue of the statute repealed.

Sec. 2. Section eight point five (8.5), Code 1975, is amended by striking subsection four (4).

Sec. 3. Section fourteen point twenty-one (14.21), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Commencing July 1, 1977, the Code editor shall cause to be compiled, indexed and published in loose leaf form all rules of civil procedure, rules of criminal procedure, rules of appellate procedure, and supreme court rules. The Code editor shall cause to be distributed supplements to the compilation on or before the effective date of either new rules, or amendments to or the repeal of existing rules. All expenses incurred by the Code editor under this paragraph shall be defrayed under the provisions of section fourteen point twenty-two (14.22) of the Code. There shall be established a price for the compilation of rules, and a separate price for each supplement. The price of the compilation and of supplements shall represent the costs of compiling and indexing, plus the amounts charged for printing and distribution. A single copy of each compilation and of each supplement shall be distributed free of charge to each of the persons or agencies referred to in

subsections one (1), two (2), five (5), six (6), seven (7), eight (8), and fifteen (15) of section eighteen point ninety-seven (18.97) of the Code.

Sec. 4. Section seventeen point five (17.5), Code 1975, is amended to read as follows:

17.5 GOVERNOR. The biennial report of the governor to the general assembly on reprieves, commutations, pardons, and remission of fines and forfeitures shall cover the two years ending with December ~~31~~ thirty-first immediately preceding the convening of the general assembly in regular session, in odd-numbered years, and shall be filed as soon as practicable after said date.

Sec. 5. Section seventeen point six (17.6), Code 1975, is amended to read as follows:

17.6 ATTORNEY GENERAL. The biennial report of the attorney general shall cover the ~~period-of-his-regular-term~~ two-year period ending with December thirty-first in even-numbered years and shall be filed as soon as practicable after the expiration of said ~~term-and~~ period but not later than February 4 March first.

Sec. 6. Section eighteen point ninety-seven (18.97), unnumbered paragraph one (1), Code 1975, as amended by Senate File one thousand ninety-two (1092) as enacted by the Sixty-sixth General Assembly, 1976 Session, and signed by the governor and Senate File one thousand two hundred eighty-eight (1288) as enacted by the Sixty-sixth General Assembly, 1976 Session, is amended by striking the paragraph and inserting in lieu thereof the following:

The superintendent of printing shall make free distribution of the Code, rules of civil procedure, rules of appellate procedure, supreme court rules, the Acts of each general assembly, and, upon request, the Iowa administrative code as follows:

Sec. 7. Section twenty-six point six (26.6), Code 1975, is amended to read as follows:

26.6 POPULATION OF COUNTIES, TOWNSHIPS AND CITIES. Whenever the population of any county, township or city is referred

to in any law of this state, it shall be determined by the last preceding certified federal census unless otherwise provided. Whenever a special federal census is taken by any city, the mayor and council shall certify the census as soon as possible to the secretary of state and to the treasurer of state as otherwise herein provided, and failing upon the failure to do so, the treasurer of state shall, after six months from the date of the special census, withhold allocation of such moneys from the city from the state to the city of any moneys the amount of which is based on the population of the city, and shall continue to do so until such time as certification by the mayor and council is made, or until the next decennial federal census. If there be a difference between the original certified record in the office of the secretary of state and the published census the former shall prevail.

Sec. 8. Section ninety-six point seven (96.7), subsection thirteen (13), Code 1975, is amended to read as follows:

13. GROUP ACCOUNTS. Two or more employers that have become liable for payments in lieu of contributions, in accordance with the provisions of subsection 9, paragraph "a", of this section ~~or in accordance with section 96-87 subsection 37, paragraph "c"~~, may file a joint application to the commission for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers. Each such application shall identify and authorize a group representative to act as the group's agent for the purposes of this subsection. Upon its approval of the application, the commission shall establish a group account for such employers effective as of the beginning of the calendar quarter in which it receives the application and shall notify the group's representative of the effective date of the account. Such account shall remain in effect for not less than one year and thereafter until terminated at the discretion of the commission or upon application by the group. Upon establishment of the account, each member of the group shall

be liable for payments in lieu of contributions with respect to each calendar quarter in the amount that bears the same ratio to the total benefits paid in such quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for service in employment by such member in such quarter bear to the total wages paid during such quarter for service performed in the employ of all members of the group. The commission shall prescribe such regulations as it deems necessary with respect to applications for establishment, maintenance and termination of group accounts that are authorized by this subsection, for addition of new members to, and withdrawal of active members from, such accounts, and for the determination of the amounts that are payable under this subsection by members of the group and the time and manner of such payments.

Sec. 9. Section one hundred ten B point three (110B.3), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred thirteen (113), section three (3), is amended to read as follows:

110B.3 FEE. The fee for each stamp issued under this chapter shall be one dollar. Each stamp shall expire on the last day of February ~~December-31~~ following its issuance.

Sec. 10. Section one hundred twenty-seven point eleven (127.11), subsection one (1), Code 1975, is amended to read as follows:

1. SERVICE OF NOTICE. The notice of hearing of forfeiture shall, in addition to the service provided in chapter 751, be published once a week for two weeks in some newspaper published in the city or county in which said conveyance was seized, and if the conveyance be a motor vehicle a copy of the aforesaid notice shall forthwith be mailed to the ~~commissioner of public safety~~ director of transportation.

Sec. 11. Section one hundred twenty-seven point twelve (127.12), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty-seven (67), section thirteen (13), is amended to read as follows:

127.12 DUTY OF ~~COMMISSIONER~~ DIRECTOR. The ~~commissioner~~

~~of public safety~~ director of transportation, upon receipt of the notice aforesaid, shall, if the owner appears of record in the office of the state department of transportation, notify such owner of the fact of seizure, and if not of record, ~~said commissioner~~ the director shall mail such description to the county treasurer of each county.

Sec. 12. Section two hundred forty-nine B point six (249B.6), Code 1975, is amended to read as follows:

249B.6 EXPENSES. Members of the commission while engaged in their official duties shall receive a per diem rate equal to that allowed members of the legislature pursuant to section ~~2-6~~ two point ten (2.10) of the Code, subsection 6. Members of the commission and noncommission members serving on commission subcommittees shall be paid their actual and necessary travel and other expenses incurred in their official duties.

Sec. 13. Section two hundred forty-nine C point one (249C.1), subsection four (4), Code 1975, is amended to read as follows:

4. "Public assistance" means aid or assistance under chapter 239-~~241A~~ or 249.

Sec. 14. Section two hundred fifty-two point forty-three (252.43), unnumbered paragraph three (3), Code 1975, is amended to read as follows:

The expense of support for the poor for Indians residing ~~on a reservation in this state in the settlement referred to in section one point twelve (1.12) of the Code~~ shall be paid from funds of the state division of child and family services of the department of social services. To administer such support for Indians residing on a reservation settlement, such state division shall have the powers and duties assigned to county officials by this chapter, or the state division or director of same may designate the director of social welfare in the county where such Indians reside to administer such relief.

Sec. 15. Section two hundred fifty-three point three (253.3), Code 1975, is amended to read as follows:

253.3 ANNUAL PUBLISHED REPORT. The board of supervisors shall, during the month of July of each year, publish in the official papers of the county as part of its proceedings, a financial statement of the receipts of the county care facility, or county farm, itemizing the same and stating the source thereof, which report shall also set forth the total expenditures thereof and the value of the property on hand on ~~January~~ July 1 of the year for which the report is made and a comparison with the inventory of the previous year.

Sec. 16. Section two hundred seventy-eight point one (278.1), Code 1975, is amended by striking subsection eight (8).

Sec. 17. Section two hundred eighty-five point four (285.4), Code 1975, is amended by striking unnumbered paragraph one (1).

Sec. 18. Section three hundred six B point one (306B.1), subsection two (2), Code 1975, is amended to read as follows:

2. "Interstate system" means the system of highways as defined in Title 23 USC 103, subsection "a" "e" or amendments thereto.

Sec. 19. Section three hundred seven point twenty-six (307.26), subsection ten (10), Code 1975, is amended to read as follows:

10. Administer the provisions of ~~chapter 474-7~~ and chapters 476 to 486.

Sec. 20. Section three hundred twenty-one point nineteen (321.19), subsection one (1), Code 1975, is amended to read as follows:

1. All vehicles owned by the government and used in the transaction of official business by the representatives of foreign powers or by officers, boards, or departments of the government of the United States, and by the state of Iowa, counties, municipalities and other subdivisions of government including vehicles used by an urban transit company operated by a municipality and such self-propelling vehicles as are used neither for the conveyance of persons for hire, pleasure, or business nor for the transportation of freight other than

those used by an urban transit company operated by a municipality, and all fire trucks, providing they are not owned and operated for a pecuniary profit, are hereby exempted from the payment of the fees in this chapter prescribed, except as provided for urban transit companies in subsection 2, but shall not be exempt from the penalties herein provided. The department shall furnish, on application, free of charge, distinguishing plates for vehicles thus exempted, which plates shall bear the word "official," and the department shall keep a separate record thereof. Provided that the director of general services or the ~~commissioner-of-public-safety~~ director of transportation may order the issuance of regular registration plates, for any such exempted vehicle, used by peace officers in the enforcement of the law and persons enforcing chapter 204 and other laws relating to controlled substances. For purposes of sale of vehicles exempted as herein indicated, the exempted governmental body, upon the sale of the exempted vehicle, may issue for in-transit purposes a pasteboard card bearing the words "Vehicle in Transit," the name of the official body from which the vehicle was purchased, together with the date of the purchase plainly marked in minimal of one-inch letters, and other information which may be required by the department. The in-transit card shall be valid for use only within forty-eight hours after the purchase date as indicated on the bill of sale which shall be carried by the driver.

Sec. 21. Section three hundred twenty-one point two hundred thirty-eight (321.238), Code 1975, subsection twenty-one (21), paragraph "a" is amended to read as follows:

a. A senior officer of the Iowa highway safety patrol designated by the ~~commissioner~~ director.

Sec. 22. Section three hundred twenty-one point two hundred eighty-one (321.281), Code 1975, is amended by striking unnumbered paragraph four (4).

Sec. 23. Section three hundred seventy-two point thirteen (372.13), subsection eight (8), unnumbered paragraph one (1), Code 1975, as amended by Acts of the Sixty-sixth General As-

sembly, 1975 Session, chapter two hundred three (203), section twenty-three (23), is amended to read as follows:

By ordinance, the council shall prescribe the compensation of the mayor, councilmen, and other elected city officers, but a change in the compensation of the mayor shall not become effective during the term in which the ~~increase~~ change is adopted, and the council shall not adopt such an ordinance changing the compensation of the mayor or councilmen during the months of November and December immediately following a regular city election. A change in the compensation of councilmen shall become effective for all councilmen at the beginning of the term of the councilmen elected at the election next following the change in compensation.

Sec. 24. Section four hundred nineteen point thirteen (419.13), Code 1975, is amended to read as follows:

419.13 EXCEPTION TO BUDGET LAW AND CERTAIN BOND PROVISIONS. The provisions of sections 23.12 to 23.16, ~~inclusive, and of chapter 400A,~~ shall not apply to bonds issued under the provisions of this chapter.

Sec. 25. Section four hundred twenty point two hundred twenty (420.220), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

~~Anything in sections 420.263 or 420.275, or other provisions of law to the contrary notwithstanding, no property~~ Property located in a city acting under special charter which collects its own taxes, shall not, after sale of such property to the county for taxes, be offered or sold at any sale for taxes or special assessments collectible by any such city except in the following events:

Sec. 26. Section four hundred fifty point thirteen (450.13), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

450.13 INHERITANCE TAX AND LIEN BOOK. The clerk of the district court shall provide and keep a suitable book to be known as the inheritance tax and lien book to show the following:

1. A complete copy of the inventory and any amendments.

2. A complete copy of any appraisal.

3. A record of waivers, releases, or payment of the tax and the amount and date.

Sec. 27. Section four hundred fifty point fifteen (450.15), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

450.15 COPY FOR DEPARTMENT OF REVENUE. Upon the filing of such report the clerk of the district court shall immediately forward a true copy of such report and findings to the department of revenue.

Sec. 28. Section five hundred seven point one (507.1), Code 1975, is amended to read as follows:

507.1 "COMPANY" DEFINED. The word "company" as used in this chapter shall mean all companies or associations organized under the provisions of chapters 508, 510, 511, 512, 514, five hundred fourteen B (514B) of the Code, 515, 515C, 518A, associations subject to the provisions of chapters 518 and 520, and all companies or associations admitted or seeking to be admitted to this state under the provisions of any of the chapters herein referred to.

Sec. 29. Section five hundred twelve point twenty-nine (512.29), Code 1975, is amended to read as follows:

512.29 ~~PERMIT~~ CERTIFICATE OF AUTHORITY--FEES. If the commissioner shall approve the articles and also the bylaws or rules, he shall issue to the society, order, or association a permit-in-writing certificate of authority, authorizing it to transact business within this state for a period of one year from the first day of ~~April~~ May of the year of its issue, for which certificate and all proceedings in connection therewith, there shall be paid to the commissioner a fee of twenty-five dollars, and for each annual renewal thereof a like fee shall be paid.

Sec. 30. Section five hundred twelve point forty-five (512.45), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The certificate written by any domestic fraternal beneficiary association operating under the provisions of

the foregoing mortality table shall be valued in the same manner as provided in section ~~500-42~~ five hundred eight point thirty-six (508.36) of the Code, except that such valuation shall be based upon the foregoing mortality table and four percent interest.

Sec. 31. Section five hundred twelve A point three (512A.3), Code 1975, is amended to read as follows:

512A.3 INCORPORATION MANDATORY. Before a benevolent association shall operate in this state it shall first incorporate in accordance with the laws of this state, and the articles of incorporation and bylaws shall be submitted to the commissioner. If he finds they conform to the requirements of the law and all rules and regulations promulgated under this chapter, he shall approve the articles of incorporation and file them with the secretary of state. Every benevolent association at the time of its incorporation shall submit its general plan of operation to the commissioner and if he finds it conforms to the requirements of the law and all reasonable rules and regulations promulgated under this chapter, he shall issue a license to expire on the ~~thirty-first~~ first ~~first~~ day of ~~March~~ May after issuance. Said license shall be renewed from year to year upon application of the association, if the commissioner finds from his examination that it has conformed to the requirements of all laws and regulations applicable thereto.

Sec. 32. Section five hundred fifteen point forty-six (515.46), Code 1975, is amended to read as follows:

515.46 FORFEITURE OF FRANCHISE CERTIFICATE OF AUTHORITY. Any dividend made contrary to the provisions of sections 515.44 and 515.45 shall subject the company making it to forfeiture of its franchise certificate of authority.

Sec. 33. Section five hundred eighteen point fifteen (518.15), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

Such associations shall pay the same expenses of any examination made or ordered to be made by the commissioner of insurance and the same fees for the annual reports and

annual certificates of authority as are required to be paid by domestic companies organized and doing business under chapter 515, which certificates shall expire ~~March-31~~ May first of the year following the date of issue.

Sec. 34. Section five hundred eighteen A point forty (518A.40), Code 1975, is amended to read as follows:

518A.40 ANNUAL FEES. Such associations shall pay the same fees for annual reports and annual certificates of authority as are required to be paid by domestic companies organized and doing business under chapter 515, which certificates shall expire ~~March-31~~ May first of the year following the date of issue.

Sec. 35. Section five hundred twenty-four point three hundred twelve (524.312), subsection one (1), Code 1975, is amended to read as follows:

1. Every state bank originally incorporated pursuant to the provisions of this chapter shall have its principal place of business within the confines of a municipal corporation. The existence of a state bank shall not, however, be affected by the subsequent discontinuance of the municipal corporation ~~pursuant to the provisions of sections 362.44 to 362.48~~. A state bank existing and operating on January 1, 1970, which does not have its principal place of business within the confines of a municipal corporation, shall be allowed to renew its corporate existence pursuant to the provisions of section 524.106 without regard to this section.

Sec. 36. Section six hundred seven point two (607.2), subsection two (2), Code 1975, is amended to read as follows:

2. Practicing attorneys, physicians, ~~licensed-embalmers, registered-nurses,~~ chiropractors, osteopaths, veterinarians, ~~registered-pharmacists,~~ dentists, and clergymen, ~~including Christian-Science-practitioners-and-readers.~~

Sec. 37. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section eighty-one (81), amending section forty-nine point ninety (49.90), Code 1975, is amended to read as follows:

SEC. 81. Section forty-nine point ninety (49.90), Code

1975, is amended to read as follows:

49.90 ASSISTING VOTER. Any voter who may declare upon oath that he or she cannot read the English language, or is, by reason of any physical disability other than intoxication, unable to cast a vote without assistance, shall, upon request, be assisted by said two officers, or alternately by any other person the voter may select if the voter is blind, in casting the vote. Said officers, or person selected by the blind voter, shall cast the vote of the voter requiring assistance, and shall thereafter give no information regarding the same. If any elector because of a handicap cannot enter the building where the polling place for the elector's precinct of residence is located, the two officers shall take a paper ballot to the vehicle occupied by the handicapped elector and allow the elector to cast the ballot in the vehicle. If a handicapped elector cannot cast a ballot on a voting machine the elector shall be allowed to cast a paper ballot. Paper ballots cast by handicapped electors shall be cast according to section forty-nine point eighty-one (49.81) of the Code, except they shall be marked "handicapped voter's ballot", and shall be counted in the same manner as challenged ballots accepted under ~~section-fifty-point-twenty-two-(50.22) of-the-Code~~ section eighty-seven (87), the third "new section", of this Act.

Sec. 38. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty-seven (67), section sixty-four (64), is amended to read as follow:

SEC. 64. Section fifty-three point twenty-two (53.22), subsection one (1), Code 1975, as amended by section one hundred nineteen (119) of House File seven hundred (700) of the Sixty-sixth General Assembly, 1975 Session, is amended to read as follows:

1. A qualified elector who has applied for an absentee ballot, in a manner other than that prescribed by section fifty-three point eleven (53.11) of the Code, and who is a resident or patient in a health care facility or hospital located in the county to which the application has been sub-

mitted shall be delivered the appropriate absentee ballot by two special precinct election officers, one of whom shall be a member of each of the political parties referred to in section forty-nine point thirteen (49.13) of the Code, who shall be appointed by the commissioner from the election board panel for the special precinct established by section one hundred ~~three-(403)~~ eighteen (118) of this Act. The special precinct election officers shall be sworn in the manner provided by section forty-nine point seventy-five (49.75) of the Code for election board members, shall receive compensation as provided in section forty-nine point twenty (49.20) of the Code, and shall perform their duties during the ten calendar days preceding the election and on election day if all ballots requested under section fifty-three point eight (53.8), subsection three (3), of the Code have not previously been delivered and returned. If a person who so requested an absentee ballot has been dismissed from the health care facility or hospital, the special precinct election officers may take the ballot to the elector if he or she is currently residing in the county. The special precinct election officers shall both notarize each absent voters affidavit as required by section fifty-three point sixteen (53.16) of the Code; any such officer who is not a notary public shall be provided with a stamp containing that person's name and the words "special precinct election officer" and may notarize the absentee affidavits so delivered by signing them and applying the stamp. The special precinct election officers shall travel together in the same vehicle and both shall be present when an applicant casts his or her absentee ballot. If either or both of the special election officers fails to appear at the time the duties set forth in this section are to be performed, the commissioner shall at once appoint some other person, giving preference to persons designated by the respective county chairpersons of the political parties described in section forty-nine point thirteen (49.13) of the Code, to carry out the requirements of this section. The persons authorized by this subsection

to deliver an absentee ballot to an applicant may assist the applicant in filling out the ballot as permitted by section forty-nine point ninety (49.90) of the Code. The voted absentee ballots shall be deposited in a sealed container which shall be returned to the commissioner on the same day.

Sec. 39. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred fifty-one (151), section seven (7), paragraphs b and c, are amended to read as follows:

b. cases under chapter two hundred fifty-two A (252A), ~~Code-4975 of the Code~~, the Uniform Support of Dependents Law.

c. an information charging desertion under the provisions of chapter seven hundred thirty-one (731), ~~Code-4975 of the Code~~.

Sec. 40. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-four (234), section one hundred two (102), subsection eleven (11), is amended to read as follows:

11. "Securities Act of 1933", "Securities Exchange Act of 1934", "Public Utility Holding Company Act of 1935", "Investment Company Act of 1940", "Internal Revenue Code of 1954" and "Agricultural Marketing Act" mean the federal statutes of those names, as amended before ~~or~~ after the effective date of this Act.

Sec. 41. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred forty (240), section fifteen (15), third new subsection, is amended to read as follows:

NEW SUBSECTION. A ~~savings-and-loan-association~~ credit union shall be liable to each of its customers for all losses incurred by such customer as a result of the transmission or recording of electronic impulses as a part of a transaction not authorized by such customer or to which the customer was not a party, provided, however, that liability pursuant to this subsection shall be limited to losses in excess of fifty dollars in the event the ~~savings-and-loan-association~~ credit union has provided the customer with a physical object or other method of engaging in a transaction utilizing electronic impulses which is unique to the customer and the physical

object or other method of engagement has been lost, stolen or otherwise compromised without the customer having notified the ~~savings-and-loan-association~~ credit union of such loss, theft or compromise prior to the time of the transaction causing the loss to the customer.

Sec. 42. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred forty (240), section seventeen (17), second new subsection, is amended to read as follows:

NEW SUBSECTION. A ~~credit-union~~ savings and loan association shall be liable to each of its customers for all losses incurred by such customer as a result of the transmission or recording of electronic impulses as a part of a transaction not authorized by such customer or to which the customer was not a party, provided, however, that liability pursuant to this subsection shall be limited to losses in excess of fifty dollars in the event the ~~credit-union~~ savings and loan association has provided the customer with a physical object or other method of engaging in a transaction utilizing electronic impulses which is unique to the customer and the physical object or other method of engagement has been lost, stolen or otherwise compromised without the customer having notified the ~~credit-union~~ savings and loan association of such loss; theft or compromise prior to the time of the transaction causing the loss to the customer.

Sec. 43. Section forty-seven point three (47.3), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1976 Session, House File one thousand eleven (1011), section eighteen (18), is amended by striking unnumbered paragraph one (1) and inserting in lieu thereof the following:

The costs of conducting a special election called by the governor, general election, and the primary election held prior to the general election shall be paid by the county.

Sec. 44. Section forty-nine point seventy-three (49.73), subsection two (2), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1976 Session, House File one thousand eleven (1011), section forty (40), is amended to read as follows:

2. The commissioner shall not shorten voting hours for any election if there is filed in the commissioner's office, at least twenty-five days before the election, a petition signed by at least fifty eligible electors of the school district or city, as the case may be, requesting that the polls be opened not later than seven o'clock a.m. All polling places where the candidates of or any public question submitted by any one political subdivision are being voted upon shall be opened at the same hour, except that this requirement shall not apply to merged areas established under chapter two hundred eighty A (280A) of the Code. The hours at which the respective precinct polling places are to open shall not be changed after publication of the notice required by section 49.53. The polling places shall be closed at nine o'clock p.m. for state primary and general elections and other partisan elections, and for any other election held concurrently therewith, and at eight o'clock p.m. for all other elections.

Sec. 45.

1. Sections two hundred fifty-two point forty-four (252.44), two hundred eighty-six A point three (286A.3), two hundred ninety-two point five (292.5) through two hundred ninety-two point eight (292.8), four hundred fifty point sixteen (450.16), four hundred fifty point thirty-five (450.35), four hundred fifty point seventy-four (450.74) through four hundred fifty point eighty (450.80), four hundred fifty point eighty-two (450.82), four hundred fifty point eighty-three (450.83), five hundred eighteen A point thirty-eight (518A.38), five hundred fifty-one point three (551.3), five hundred ninety-nine point six (599.6), and section six hundred seven point two (607.2), subsections three (3), four (4), and five (5), Code 1975, and Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty (60), section eight (8), are repealed.

2. Chapters one hundred twenty-one (121), one hundred seventy-five (175), two hundred eleven (211), two hundred thirty-six (236), two hundred forty (240), two hundred fifty-four (254), two hundred fifty-six (256), two hundred fifty-

nine B (259B), four hundred sixty-eight (468), five hundred fifty-two (552), five hundred ninety-three (593), five hundred ninety-four (594), and seven hundred thirty-three (733), Code 1975, are repealed.

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ARTHUR A. NEU  
President of the Senate

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DALE M. COCHRAN  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 1280, Sixty-sixth General Assembly.

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STEVEN C. CROSS  
Secretary of the Senate

Approved \_\_\_\_\_, 1976

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ROBERT D. RAY  
Governor